

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE W. KYNISTON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 11-cv-6072 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES, EXPENSES AND COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 7; Consent to Proceed Before a United States Magistrate Judge, ECF No. 8). This matter is before the Court on Plaintiff's Stipulated Motion for Attorney's Fees Pursuant to 28 U.S.C. § 2412 and for Costs Pursuant to 31 U.S.C. § 1304 and 28 U.S.C. § 1920 (*see* ECF No. 24).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (hereinafter "EAJA") and the stipulation of the parties (*see* ECF No. 24), it is hereby ORDERED that attorney's fees in the

1 amount of \$5,347.13, and expenses in the amount of \$19.20, for a total of \$5,366.33, shall be
2 awarded to Plaintiff pursuant to 28 U.S.C. § 2412(d) (EAJA), consistent with *Astrue v. Ratliff*,
3 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010). Plaintiff shall be awarded
4 costs in the amount of \$350.00 pursuant to 31 U.S.C. § 1304 and 28 U.S.C. § 1920.

5 If it is determined that Plaintiff's EAJA fees are not subject to any offset allowed under
6 the Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
7 payable to Christopher H. Dellert, based on Plaintiff's assignment of these amounts to Plaintiff's
8 attorney. The checks for EAJA fees and costs shall be mailed to Plaintiff's counsel, Christopher
9 H. Dellert, at Dellert Baird Law Offices, PLLC, 9481 Bayshore Dr. NW, #203, Silverdale, WA,
10 98383.

11
12 Dated this 23rd day of November, 2012.

13
14 

15 J. Richard Creatura
16 United States Magistrate Judge
17
18
19
20
21
22
23
24